



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/398,612	09/16/1999	DONALD J. HEJNA JR.	TSM-SC-CIP	1308

7590 02/27/2003

MICHAEL B EINSCHLAG
25680 FERNHILL DRIVE
LOS ALTOS HILLS, CA 94024

EXAMINER

ARMSTRONG, ANGELA A

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/398,612

Applicant(s)

HEJNA, DONALD

Examiner

Angela A. Armstrong

Art Unit

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al (US Patent No. 5,924,068) in view of Oikawa et al (US Patent No. 5,396,577).

2. Regarding claims 1-4, 7, and 10-11, Richard et al teach

Presenting the retrieved electronic newspaper at col. 9, line 63 – col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10, which reads on

“detecting content in portions of the media work.”

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed-reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 – col. 5, line 4

Art Unit: 2654

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikawa et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al (US Patent No. 5,924,068) in view of Oikawa et al (US Patent No. 5,396,577) and well known prior art.

4. Regarding claims 5 and 6, Richard et al teaches

Presenting the retrieved electronic newspaper at col. 9, line 63 – col. 10, line 14

Obtaining user input regarding presentation rate at col. 19, lines 9-12

Keyword searches at col. 15, line 36 continuing to col. 16, line 10, which reads on “detecting content in portions of the media work.”

Richard et al teaches using the keyword searches to determine if an article is saved for reading or not for reading and that the saved articles are read and after a current section is read, the next article or section is automatically read, which reads on “associating a presentation order with the detected content.”

Richard et al do not specifically teach the reordering of the portions. However, reordering of presentation material was well known in the art.

Art Unit: 2654

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Richard et al to implement reordering of the portions, for the purpose of allowing the user to hear the most desired portions first (i.e. weather before sports).

Determining duration information based on segments of the retrieved information at col. 14, lines 36-45

Richard et al do not specifically teach correlating the keywords for retrieving articles to a specific rate at which the text-to-speech converter presents the information. Refer to Oikawa et al who teach a speech synthesis apparatus for rapid speed-reading, which implements

assigning playback rates to segments based on categorizations of a determined degree of importance for the text at col. 3, line 37 – col. 5, line 4

generating synthetic speech based on the assigned playback rates and allows for the omission of speech for segments in which an indication of a slow playing rate was identified at col. 5, lines 28-37.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the system of Richard and implement associating playback rates based on specific categories as taught by Oikawa et al, for the purpose of ensuring that a user's preference for playback rates for a specific category of newspaper article is always maintained.

5. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard et al (US Patent No. 5,924,068) in view of Yumura et al (US Patent No. 5,752,228).

6. Regarding claims 8 and 9, Richard et al teach an electronic news receiving device that receives text data for an electronic edition of a newspaper and allows the user to determine which

Art Unit: 2654

articles are read and vary the rate at which the articles are read. The device of Richard et al implements

Accessing and retrieving an electronic newspaper at a particular time at col. 8, lines 4-27

Obtaining a user specified presentation rate and altering the presentation rate of the retrieved articles at the Abstract and col. 19, lines 9-12

Retrieving and presenting several user specified articles at col. 9, line 63 continuing to col. 10, line 2.

Richard et al teaches that the rate at which the articles are read may be varied (Abstract), which reads on “altering a presentation rate of a media work to create an altered work.”

Richard et al provides for several sections to be stored and read out, thus varying the rate at which articles are read from several sections, reads on “concatenating several altered media works to form a concatenated media work.

Richard does not specifically teach an original presentation rate of the user specified articles. However implementation of set time for reading speed in a speech synthesis apparatus was well known in the art.

In a similar field of endeavor, Yumura teaches a speech synthesis apparatus and read out time calculating apparatus for synthesizing speech to read out a text in place of a reader at a speed corresponding to a set time and text volume (col. 3, line 43-67).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Richard to specifically provide for a reference read out rate as taught by Yumura, for the purpose of providing a reference speed reflective of normal speech of which the varied rate is based on, ensuring that the synthetic speech is intelligible and natural.

7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yumura et al (US Patent No. 5,752,228) in view of Richard et al (US Patent No. 5,924,068).

8. Regarding claims 12 and 13, Yumura et al teach a speech synthesis apparatus and read out time calculating apparatus to finish reading out text in place of a reader at a speed corresponding to a set time and text volume. Yumura specifically teaches,

Segmenting the media work at col. 3, lines 46-50.

Determining the length of the segments at col. 3, lines 59-63.

Yumura does not specifically teach application of presentation rates to alter the media work and computing duration information for the altered media work. However, implementation of varying presentation rates of text read out with a speech synthesizer was well known in the art.

In a similar field of endeavor, Richard et al teaches an electronic news reception apparatus that selectively retains sections and searches by keyword or index for text to speech conversion, which allows a user to vary the rate at which articles are read and determines the duration information for article (col. 19, lines 9-12; col. 14, lines 36-45).

Therefore, it would have been obvious to one of ordinary skill at the time of the invention to modify the system of Yumura to implement altering the presentation rate of the read out material as taught by Richard for the purpose of providing varied presentation of the read out text based on a user's preference to have the information presented slowly if important or quickly if non-essential.

Art Unit: 2654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Angela A. Armstrong
Examiner
Art Unit 2654

AAA
February 23, 2003

Marsha D Banks-Harold

MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600